

RESOLUTION NUMBER R- 294689

ADOPTED ON MAR 27 2001

WHEREAS, the Council of The City of San Diego considered the issues discussed in Mitigated Negative Declaration LDR File No. 40-0692; NOW, THEREFORE,

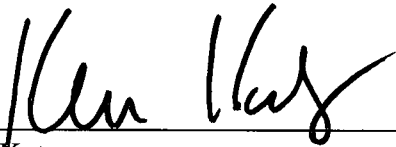
BE IT RESOLVED, by the Council of The City of San Diego, that it is hereby certified that Mitigated Negative Declaration LDR File No. 40-0692, dated March 12, 2001, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent judgment of The City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of Fay Avenue Realignment Project.

BE IT FURTHER RESOLVED, that the Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that said Mitigated Negative Declaration, a copy of which is on file in the office of the City Clerk and incorporated by reference, is hereby approved.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081.6, the Council hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or

avoid significant effects on the environment, a copy of which is attached hereto and incorporated herein by reference.

APPROVED: CASEY GWINN, City Attorney

By 
Keri Katz
Deputy City Attorney

KK:pev
3/15/01
Or.Dept:E&CP
R-2001-1265
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EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

FAY AVENUE REALIGNMENT, COUNCIL APPROVAL OF REIMBURSEMENT AGREEMENT, STREET VACATION, AND COASTAL DEVELOPMENT PERMIT (CDP NO. 40-0692)

LDR NO. 40-0692

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Land Development Review Division, 1222 First Avenue, Fifth Floor, San Diego, CA 92101. All mitigation measures contained in the Mitigated Negative Declaration (LDR No. 98-0911) shall be made conditions of COUNCIL APPROVAL OF REIMBURSEMENT AGREEMENT, STREET VACATION, AND COASTAL DEVELOPMENT PERMIT No. 40-0692 as may be further described below.

1. The following measures shall be noted on the second sheet of the construction plans and included in the specifications.
2. Prior to the issuance of the grading permit, the owner/permittee shall submit a deposit of \$450.00 to the Environmental Analysis Section (EAS) to cover the City's costs associated with the implementation of the Mitigation, Monitoring and Reporting Program (MMRP).
3. Prior to the issuance of the grading permit, the applicant shall provide a letter of verification to the Environmental Review Manager (*ERM*) of Land Development Review (LDR) stating that a qualified paleontologist, as defined in the City of San Diego Paleontological Guidelines, has been retained to implement the monitoring program. **THIS LETTER SHALL BE SUBMITTED TO MITIGATION MONITORING COORDINATION (MMC) OF LDR AT LEAST THIRTY DAYS PRIOR TO START OF CONSTRUCTION AND SHALL INCLUDE THE NAMES OF ALL PERSONS INVOLVED IN THE PALEONTOLOGICAL MONITORING OF THIS PROJECT.**
4. Prior to the issuance of the first grading permit, the ERM shall verify that the requirement for paleontological monitoring has been noted on the grading plans.
5. Prior to beginning construction the owner/permittee shall arrange a Preconstruction Meeting that shall include the Paleontologist, Construction Manager or Grading Contractor, Resident Engineer (RE), and MMC. The qualified paleontologist shall attend *any grading related* preconstruction meetings to make comments and/or suggestions concerning the paleontological monitoring program with the construction manager and/or grading contractor. At the preconstruction meeting the paleontologist shall submit to the MMC a copy of the site/grading plan (reduced to 11X17) that identifies areas to be monitored. The

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paleontologist also shall submit a construction schedule indicating when monitoring is to occur. **The paleontologist shall notify MMC of the start and end of the monitoring.**

6. The paleontological monitor shall be present full-time during the initial cutting of previously undisturbed formations with high and moderate resource sensitivity at depths of 10 feet or greater and shall document activity via the Consultant Site Visit Record. This record shall be faxed to the RE and MMC each month. Monitoring may be decreased at the discretion of the qualified paleontologist, provided they contact MMC and consult with appropriate EAS Staff. The decrease will depend on the rate of excavation, the materials excavated, and the abundance of fossils.

Monitoring is required for the mainline, laterals, services and all other appurtenances that impact formations with high and moderate resource sensitivity at depths of 10 feet or greater as detailed on the plans or in the contract documents. **It is the contractor's responsibility to keep the monitors up-to-date with current plans.**
7. In the event of a significant paleontological discovery, and when requested by the paleontologist, the City Resident Engineer shall divert, direct, or temporarily halt construction activities in the area of discovery to allow recovery of fossil remains. The determination of significance shall be at the discretion of the qualified paleontologist. The paleontologist with principal investigator (PI) level evaluation shall also immediately notify MMC staff of such finding at the time of discovery. MMC staff will provide appropriate LDR staff contact for consultation.
8. The paleontologist shall be responsible for preparation of fossils to a point of curation as defined by the City of San Diego Paleontological Guidelines, and submittal of a letter of acceptance from a local qualified curation facility. *If the fossil collection is not accepted by a local qualified facility for reasons other than inadequate preparation of specimens, the project paleontologist shall contact LDR to suggest an alternative disposition of the collection.*
9. The paleontologist shall be responsible for the recordation of any discovered fossil sites at the San Diego Natural History Museum.
10. Prior to the release of the grading bond, copies (2) of the monitoring results report (even if negative), which describes the results, analysis, and conclusions of the above monitoring program (with appropriate graphics) shall be submitted to the RE and to MMC staff for the approval by the ERM of LDR.
11. Prior to the issuance of the grading permit, the Environmental Review Manager (ERM) of the LDR shall verify that the sound attenuation barrier described in the *Fay Avenue Realignment Acoustical Assessment Report* prepared by Pacific Noise Control (January 2001) is noted on the construction plans and specifications.
12. The temporary 12-foot high noise barrier shall be constructed adjacent to the multi-family residence and shall be installed along the top of the slope and edge of the home as shown on the approved Exhibit A.

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13. Prior to the issuance of the grading permit, the ERM of LDR shall verify that the following standard requirement is noted on the construction plans and specifications:
 - A. Machinery with internal combustion engines shall be equipped and operated with the manufacturer's recommended muffler.
14. Prior to the issuance of the grading permit, the applicant shall submit to the ERM of LDR an acoustical report prepared by a qualified acoustician that identifies noise abatement measures, such as mechanical ventilation systems and sound rated windows, that would be suitable to reduce interior noise levels at the affected multi-family residence below the required City standard of 45-dB.
15. Prior to the issuance of the grading permit, the applicant shall verify to the ERM of LDR that the La Jolla High School Facilities Expansion Foundation is assuming financial responsibility to implement measure 14 above.
 - A. The applicant shall set up a bond account to provide funds to retrofit the existing single-family residence at 7005 Fay Avenue in the event that the proposed Coastal Development Permit for the new development (in process at the City of San Diego Development Services Department) is not implemented. The bond will be used specifically to retrofit the residence with the appropriate building materials to reduce interior noise impacts to a level below the City's 45-dB noise criteria.
16. Prior to the issuance of the grading permit, the applicant shall submit planting and irrigation plans for the retaining wall to the ERM of LDR to verify the site plans are in substantial conformance to Exhibit A.
 - A. The landscape plan shall include a minimum of eight 36-inch box street trees placed approximately 55 feet apart along Fay Avenue; a minimum of 69 five-gallon shrubs placed with the street trees along Fay Avenue and the planting bench between the retaining walls; a minimum of 74 one-gallon shrubs along the planting bench between the retaining walls; and 25 fifteen-gallon vines/shrubs along the planting bench between the retaining walls and at the top of the retaining wall.
 - B. The contractor shall provide and install a two-inch layer of organic mulch over all planting areas.
17. Prior to the issuance of the grading permit, the applicant shall submit an exterior elevation plan for the shotcrete retaining wall to the ERM of LDR to verify the exterior treatments, textured per landscaping and irrigation plans, are in substantial conformance to Exhibit A.

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